



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: March 28, 2017

CM/ACM	<u>x</u>
Finance	<u>x</u>
DA	<u>x</u>
Risk Mgt	<u>n/a</u>
HR	<u>n/a</u>
Other	<u> </u>

DATE: March 7, 2017
TO: Board of County Commissioners
FROM: Kevin Schiller, Assistant County Manager
THRU: John Slaughter, County Manager

SUBJECT: Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and if approved, authorize the County Manager to execute the contract (All Commission Districts)

SUMMARY

On June 25, 2013, the Board approved a three year agreement between the County of Washoe and Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411. This agreement expired on June 30, 2016. Two renewals for the period July 1, 2016 through December 31, 2016 were approved by the Board in order to complete a Request for Proposal (RFP) process for competitive selection of a vendor given significant changes have occurred in the conflict policy with a corresponding reduction in caseload. Due to an insufficient response to the RFP, staff is exploring other options for fulfilling the Counsel Administrator responsibilities.

This renewal extends the agreement for a period of 91 days to adequately complete the RFP process for selection of a vendor to include possible changes in the current structure due to changing needs related to indigent defense within the Public Defender and Alternate Public Defender's Offices.

PREVIOUS BOARD ACTION

On December 13, 2016, the Board approved the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of January 1, 2017 through March 31, 2017 [not to exceed \$38,625.00] and authorized the County Manager to execute the contract.

AGENDA ITEM # 5.C

On October 25, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of November 1, 2016 through December 31, 2016 [not to exceed [\$25,750.00]

On June 28, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of July 1, 2016 through October 31, 2016 [not to exceed [\$51,500]

On June 25, 2013, the Board approved a three year agreement between the County of Washoe and Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411

On June 12, 2012, the Board approved an addendum extending the contract for an additional year.

On June 28, 2011, the Board approved awarding Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for one year effective July 1, 2011 with the option to renew for two additional one-year terms.

On June 14, 2011, the Board deferred an item to clarify the term of the agreement was for one year effective July 1, 2011, with the option to renew for two additional one-year terms.

On May 25, 2010, the Board approved a second and final addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 23, 2009, the Board approved an addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 24, 2008, the Board approved a one-year agreement with Bell for professional legal services as the ACA.

BACKGROUND

In its order dated January 4, 2008, the Supreme Court required each judicial district to file a plan for the provision and administration of indigent public defense. Accordingly on May 1, 2008, the Chief Administrative Judge of the Second Judicial District filed the Model Court Plan for indigent defense which became effective July 1, 2008.

The Plan calls for the administration of the process to appointed counsel both in conflict cases and on behalf of the court, to be provided under a contract by a qualified attorney. As the administrator, the attorney is specifically excluded from providing representation in appointed counsel cases.

Robert Bell has provided conflict counsel services to the County beginning with the first of two contracts dating back to July 1, 2007. Since the beginning of the contract, the implementation of the 2008 plan has led to an extensive scope in services as outlined in

the attached agreement. Caseload has been affected by policy shifts based on precedents set in ongoing case law. Specifically, caseload data has shifted dramatically from its peak in FY 13-14 to approximately 300 cases in the current fiscal year as outlined below:

Fiscal Year 12-13 – 786 cases (including 48 Category A cases)

Fiscal Year 13-14 - 743 cases (including 58 Category A cases)

Fiscal Year 14-15 – 359 cases (including 41 Category A cases)

Fiscal Year 15-16 – 300 cases

As a result of the caseload reduction, a Request for Proposal was released to address both financial and programmatic changes with the selection. Since there was an insufficient response to the RFP, staff is exploring other options for fulfilling the Counsel Administrator responsibilities. It is anticipated that this should be completed in no longer than 91 days, at which time an item will be brought forward for Board action. Pursuant to the current agreement which expires on March 31, 2017, this is a request for a renewal for a period not to exceed 91 days to complete the selection of a vendor.

FISCAL IMPACT

Funding in an amount not to exceed \$38,625.00 is available in the County Manager's Conflict Counsel FY 16-17 budget (C101010).

RECOMMENDATION

Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and if approved, authorize the County Manager to execute the contract.

POSSIBLE MOTION

If the Board agrees, a possible motion would be "Approve the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and if approved, authorize the County Manager to execute the contract."

RENEWAL TO
AGREEMENT FOR APPOINTED COUNSEL ADMINISTRATOR SERVICES

This first Addendum to the Agreement for Appointed Counsel Administrator Services, between Robert Bell, Esq., hereinafter "Administrator" and Washoe County, a political subdivision of the State of Nevada, hereinafter "County", is made and entered into this 1st day of April, 2017.

WITNESSETH:

WHEREAS, Administrator and County entered into the Agreement for Appointed Counsel Administrator Services, hereinafter "the Agreement", on April 1, 2017, which Agreement; and

WHEREAS, the Agreement presently provides that the parties have the option to renew for an additional term upon written agreement; and

WHEREAS, the current Agreement sets forth specific professional services to be provided by the Administrator; and

WHEREAS, the implementation of the Model Court Plan has created the continued need for services to be provided by the administrator; and

NOW THEREFORE, it is hereby agreed as follows:

1. **Services to be Performed:**

The Administrator will provide the professional services specified in the original agreement. This includes, without limitation, the following:

- a. For all Class A felony cases with the possibility of a life sentence or death penalty:
 - i. review all cases including facts and charges to determine the potential of trial versus settlement
 - ii. recommend appointment of counsel and hold a meeting to discuss the details of the case, set an estimated cost for the case for representation and other defense costs
 - iii. prepare orders for appointment of counsel
 - iv. monitor the progress and accumulated cost for the case
 - v. review and approve motions to pay interim and/or final costs in the case
 - vi. prepare and file orders or notices with the court, distribute copies to the parties and the appropriate agency for payment
- b. Prepare notices regarding fees and costs in all other less serious cases or cases that do not require State approval; file with the court; and, distribute copies to parties and to the appropriate agency for payment

- c. review new motions and requests, including invoices, time sheets and attorney expenditures for accuracy and ensure they are within statutory parameters
 - d. review the court's filing database for additional information; meet directly with court clerk staff
 - e. review each Motion Request for appointment of counsel, attorney fees, investigative, expert witness, interpreters, and motions for transcripts; review attorney's and expert's time and expense sheets to pre-authorize future expenses
2. Term: The term of this addendum shall be 91 days, commencing April 1, 2017 through June 30, 2017.
 3. Compensation: County agrees to pay Administrator three (3) monthly installments of \$12,875.

All other paragraphs of the Agreement shall remain unchanged.

Dated this ___ day of March, 2017.

Robert Bell, Esq.

By: _____

Date: _____

Washoe County, Nevada
Acting by and through its Board of County Commissioners

By: _____
John Slaughter, County Manager

Date: _____

ATTEST:

By: _____
County Clerk

Date: _____